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TRANSMITTAL FORM

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Total Number of Pages in This Submission

3

Application Number

10/507,059

Filing Date

September 9, 2004

First Named Inventor

Hoon-Choi et al.

Group Art Unit

1615

Examiner Name

Suezu Y. Ellis

Attorney Docket Number

61169.00039 (O-2779)

ENCLOSURES (check all that apply)

☐ Fee Transmittal Form

☐ Fee Attached

☒ Amendment/Reply

☐ After Final

☐ Affidavits/declaration(s)

☐ Extension of Time Request

☐ Express Abandonment Request

☐ Information Disclosure Statement

☐ Certified Copy of Priority Document(s)

☐ Response to Missing Parts/ Incomplete Application

☐ Response to Missing Parts under 37 CFR 1.52 or 1.53

☐ Assignment Papers (for an Application)

☐ Replacement Drawing Sheets – Figs. 1A – 4C

☐ Licensing-related Papers

☐ Petition

☐ Petition to Convert to a Provisional Application

☐ Power of Attorney, Revocation Change of Correspondence Address

☐ Terminal Disclaimer

☐ Request for Refund

☐ CD, Number of CD(s)

☐ Landscape Table on CD

☐ After Allowance Communication to TC

☐ Appeal Communication to Board of Appeals and Interferences

☐ Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)

☐ Proprietary Information

☐ Status Letter

☒ Other Enclosure(s) (please identify below):
- postcard

Remarks:

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name

Montgomery, McCracken, Walker & Rhoads, LLP

Signature

Evelyn H. McConathy

Printed Name

Evelyn H. McConathy – 35,279

Date

April 30, 2008

CERTIFICATE OF MAILING UNDER 37 CFR 1.8

I hereby certify that this paper, along with any documents referred to as being enclosed therewith, is being deposited with the United States Postal Service in an envelope addressed to MAIL STOP AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on date shown below:

Typed or printed name

Tara M. Fromm

Signature

Tara M. Fromm

Date: April 30, 2008

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Hoon-Choi et al.

Attorney Docket No: 61169.00039 (O-2779)

Application No.: 10/507,059

Group Art Unit: 1615

Filed: September 9, 2004

Examiner: Suez Y. Ellis

Title: Fibrous Composite for Tissue Engineering

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

In Response to the Restriction Requirement mailed April 1, 2008, Applicants elect to prosecute the subject matter of Group I (claims 1-11 and 19-24), species 1.

Applicants traverse the Examiner's Restriction Requirement which separates the method of producing the bioactive fibrous composite material (Group 2; claims 12-18, 25 and 26) from the composite material itself and methods for its use (Group 1; claims 1-11 and 19-24). The nature of composition and the S:O₂ (silica in claim 12) content determines the characteristics of the resulting fibrous composition and its use as defined in the claims of Group I. Specifically the production of the composition and its S:O₂ content determines the thermal expansion coefficient and elastic modules of the glass (page 3). Thus, the fibrous composite material and its resorptive capability rely upon pore sizes that range between certain defined sizes and determined during the production of the material. Accordingly, the production of the composition is determinative of and directly relevant to the resulting composition and methods for its use, meaning that the claims should remain a single invention without Restriction.

Nevertheless, to be responsive Applicants elect to first prosecute the claims of Group I (claims 1-11 and 19-24). Further with regard to generic claim 11, Applicants elect species 1 regarding delivery of a drug or therapeutic composition in an animal. This election is made with the understanding that if the product claims are found allowable, process claims dependent

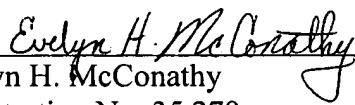
thereon, even if withdrawn, will be considered for rejoinder if they include the limitations of the allowable product claim.

If there are any additional fees in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-2424.

Should the Examiner have any questions or comments regarding Applicants' amendments or response, he is asked to contact Applicants' undersigned representative at (215) 772-7550. Please direct all correspondence to the address below.

Respectfully submitted,

Date: April 30, 2008


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